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Attorney for Defendant Davis Law Firm

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

LAWRENCE JAMES SACCATO,  
Plaintiff,

v.

DAVIS LAW FIRM; DKC INVESTMENTS  
LLC a/s/o; FIRST NATIONAL BANK OF  
OMAHA,  
Defendants.

Case No. CV10-6192 TC

**RESPONSE TO PLAINTIFF'S  
"OPPOSITION TO DEFENDANT DAVIS  
LAW FIRM'S MOTION TO DISMISS"**

Plaintiff has filed an 11-page "Opposition to Defendant Davis Law Firm's Motion to Dismiss." However, there is no such motion to dismiss pending before the court. Davis Law Firm filed an answer to the third amended complaint, not a motion to dismiss. (See Docket No. 22). Accordingly, plaintiff's submission is both meaningless and prohibited by Fed. R. Civ. P. 7 and the court's Local Rules. The submission, therefore, should be disregarded and stricken.

Additionally, plaintiff's unauthorized submission has needlessly increased the cost of this litigation. The court, on its own, should order plaintiff to show cause why the

submission does not violate Fed. R. Civ. P. 11(b); and it should award the necessary relief to deter repetition of this conduct.

DATED: October 21, 2010

COSGRAVE VERGEER KESTER LLP

/s/ Robert E. Sabido

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### **CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the foregoing **RESPONSE TO PLAINTIFF'S "OPPOSITION TO DEFENDANT DAVIS LAW FIRM'S MOTION TO DISMISS"** on the date indicated below by:

- ☒ mail with postage prepaid, deposited in the US mail at Portland, Oregon,
- ☐ hand delivery,
- ☐ facsimile transmission,
- ☐ overnight delivery,
- ☒ electronic filing notification;

I further certify that said copy was placed in a sealed envelope delivered as indicated above and addressed to said attorney(s) at the address(es) listed below:

Lawrence James Saccato  
c/o 6387 Old 99 S.  
Roseburg, OR 97471  
Plaintiff *pro se*

Jeffrey Hasson  
Davenport & Hasson, LLP  
12707 NE Halsey Street  
Portland, OR 97230  
Attorney for Defendant DKC Investments LLC

DATED: October 21, 2010

/s/ Robert E. Sabido  
Robert E. Sabido